

REMARKS/ARGUMENTS

Status of the Application

The Examiner is thanked for the Office Action dated August 9, 2007. Claims 1-20 are currently pending. The status of these claims is as follow:

- Claims 1, 2, 4-14 and 16-20 stand rejected under 35 USC 102(e) as anticipated by Gutta.
- Claims 3 and 15 are objected as depending on a rejected base claims, but would be allowable if rewritten in independent form. The Examiner is thanked for the indication that these claims are directed to allowable subject matter.

Claims 1 and 7

Independent Claims 1 and 7 have been amended to include the limitations of former dependent claims 3 and 15, respectively. Claims 3 and 15 have been cancelled.

It is submitted that claims 1 and 7 are now in condition for allowance. It is also submitted that dependent claims 4-6, 8-14, and 16-20 are directed to allowable subject matter at least by virtue of their dependencies.

Claim 2

The Office Action asserts that claim 2 is anticipated by Gutta. This rejection is respectfully traversed, as Gutta does not disclose the claimed intensity means.

The Office Action asserts that the claimed intensity means is disclosed by Gutta Figure 2, records 205 and 208 and column 3, lines 25-38. The text of column 3, lines 25-38 is reproduced below:

For example, the user habits recorded in record 205 for the user, John Smith, indicates that the user generally turns on the light after checking the mail and sitting in a certain chair. Likewise, the user habits recorded in record 206 for the user, Jane Smith, indicates that the user likes to read the newspaper while on the couch. Finally, the exemplary user habits recorded in record 208 for all users indicates that most users would like to have a light on when they sit in a certain seat with their feet up. The corresponding action item associated with each rule typically activates a light with an appropriate intensity and/or direction (variable intensity and

position) or otherwise adjusts the intensity, direction or other settings of a lighting device.

Thus, Gutta fairly teaches that the light is activated according to the user's behavior – e.g., if the user brings in the mail and sits in the easy chair, a light is activated with a first focus and intensity. If the user is sitting in the easy chair with his or her feet up, the light is activated with a second focus and intensity. That one of these behaviors may or may not be more intense than the other does not meet the requirements of claim 2.

More specifically, claim 2 requires an activity means that *detect[s] a kind of activity performed by the at least one person*. The intensity means *detects an intensity with which the kind of activity is performed*, and the lighting control means *control[s] the light source within the area in response to the detected intensity*.

As noted above, Gutta controls the light based on the determined behavior of the user. Assuming for a moment that it is possible for a user to sit in the easy chair with his or her feet up with varying degrees of intensity, Gutta does not teach detecting such an intensity, let alone controlling the light source in response to the detected intensity. The foregoing applies equally to a behavior such as bringing in the mail and sitting in an easy chair. Again, Gutta fails to disclose or suggest detecting the intensity with which the user does so, let alone controlling the light source in response to the detected intensity.

Consequently, the rejection of claim 2 should be withdrawn.

Application No. 10/535,294
Amdt. Dated: October 30, 2007
Reply to Office Action Dated: February 9, 2007

CONCLUSION

In view of the foregoing, it is submitted that claims 1-20 distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,
DRIGGS, HOGG & FRY CO., L.P.A.



John J. Fry, Reg. 35,873
Driggs, Hogg & Fry Co., L.P.A.
38500 Chardon Road
Willoughby Hills, Ohio 44094
Phone: 1.440.391.5100
Fax: 1.440.391.5101

Please direct all further correspondence to:

Yan Glickberg, Registration No. 51,742
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510
Phone: (914) 333-9608
Fax: (914) 332-0615